



Katie M. Brown
Counsel

Duke Energy
40 W. Broad Street
Suite 690
Greenville, SC 29601

O: 864-370-5296
F: 864-370-5027

Katie.Brown2@duke-energy.com

February 18, 2022

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/ Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

Re: Valli Finney v. Duke Energy Progress, LLC
Docket Number: 2021-363-E

Dear Ms. Boyd:

Pursuant to S.C. Code Ann. Regs. 103-833 and 103-835, attached for filing, please find Duke Energy Progress, LLC's First Set of Discovery to Complainant, which were served on February 18, 2022.

By copy of this letter we are serving the same on the parties of record.

Sincerely,

Katie M. Brown

Enclosure

cc: Valli Finney (via U.S. Mail and email)
Benjamin P. Mustian, Office of Regulatory Staff (via email)
Carri Grube Lybarker, Department of Consumer Affairs (via email)
Roger P. Hall, Department of Consumer Affairs (via email)

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2021-363-E

IN RE:

VALLI FINNEY)	
Complainant/Petitioner,)	
)	
v.)	DUKE ENERGY PROGRESS, LLC’S
)	FIRST SET OF DISCOVERY TO
)	COMPLAINANT
DUKE ENERGY PROGRESS, LLC)	
Defendant/Respondent.)	
_____)	

Duke Energy Progress, LLC (“DEP”), by and through its legal counsel, pursuant to S.C. Code Ann. Regs. §§ 103-833 and 103-835 and the South Carolina Rules of Civil Procedure, hereby serves Valli Finney (“Complainant”) with the following First Set of Interrogatories and Requests for Production of Documents to be answered **on or before March 10, 2022**.

Please note that these Interrogatories and Requests for Production are continuing in nature until the date of the hearing, and that any information or responsive materials identified after your responses have been served upon the undersigned counsel should be provided to counsel for DEP through supplemental responses as soon as possible after such identification.

INSTRUCTIONS

1. Please provide responses to the following requests electronically via email to Katie.Brown2@duke-energy.com. To the extent this is impracticable, the responses, including any responsive Documents, should be provided at 40 West Broad Street, Suite 690, Greenville, SC 29601 on or before March 10, 2022.

2. Please sign and date the Certification that follows these Interrogatories and Requests for Production.

3. Please produce the requested documents as they are kept in the usual course of business and organize and label them to correspond with the categories in the Requests. Documents attached to each other should not be separated.

4. In producing documents, furnish all documents known or available to you, regardless of whether such documents are possessed directly by you or your agents, employees, representatives, investigators, or by your attorneys. All requests for documents specifically request documents of yours, as well as any person or entities whom you have retained to provide expert testimony in this proceeding.

5. If any document otherwise responsive to any Request was, but is no longer, in your possession, subject to your control or in existence, identify each document by listing its author(s) and addressee(s), date, subject matter, whether the document(s) or copies are still in existence (and if so, their locations and the custodians), as well as whether the document is missing or lost, has been destroyed, has been transferred voluntarily to others, or has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing its destruction or transfer, and the date(s) of such direction or authorization.

6. If a privilege not to answer a Request is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for each such claim.

7. If a refusal to answer is based upon the grounds that same would be unduly burdensome, identify the number and nature of documents needed to be searched, the location of the documents, and the number of hours and costs required to conduct the search.

8. Each Request shall be reproduced at the beginning of the response thereto.

9. Please provide copies of the information responsive to each Request in native electronic working format with all data (including source data) and formulas intact in an unprotected and unlocked form to allow auditing and verification of inputs, methods, and formulas.

10. Any inquiries or communication relating to questions concerning clarifications be directed to the undersigned.

11. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of these Requests any information which might otherwise be construed outside their scope.

DEFINITIONS

1. **“Commission”** means the Public Service Commission of South Carolina.

2. **“DEP”** means Duke Energy Progress, LLC.

3. **“Communication”** means the transmittal of information in the form of facts, ideas, documents, inquiries, or otherwise, including every discussion, conversation, conference, or telephone call.

4. **“You”** and **“your”** means Valli Finney, Valli Finney’s witness(es) in this proceeding, and all of her agents, representatives and attorneys.

5. **“Docket”** means Commission Docket No. 2021-363-E.

6. The term **“document”** is to be construed as broadly as permissible under Rule 34 of the SCRCP and includes, but is not limited to, any written, recorded or graphic matters

whatsoever and all non-identical copies thereof, including but not limited to papers, books, records, letters, photographs, correspondence, communications, electronic mail, text messages, social media records, telegrams, cables, telex messages, evidences of payment, checks, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, advertisements, guidelines, charts, manuals, brochures, publications, schedules, price lists, subscription lists, customer lists, journals, statistical reports, desk calendars, appointment books, diaries, lists, tabulations, newsletters, drafts, proofs, galleys, or other prepublication forms of materials, telephone lists or indexes, rolodexes, computer printouts, data processing program libraries, data processing input and outputs, microfilm, microfiches, CD-ROMs, books of account, records or invoices reflecting business operations, all records kept by electronic, photographic, or mechanical means, any notes or drafts relating to any of the foregoing, and any other documents as defined in Rule 34 of the SCRCF of any kind in Your possession, custody or control or to which You have access or knowledge of its existence.

7. **“Identify,”** when referring to documents, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) authors, addressees and recipients.

8. **“Identify,”** when referring to an oral Communication, means to give, to the extent known, the identity of the speaker and of each Person who was present when the Communication was spoken, and the substance, date, and place of such Communication.

9. **“Person”** means any natural person or any business, legal, or governmental entity or association.

10. The terms “**related to**” and “**relating to**” or any variation thereof shall be construed to include refer to, summarize, reflect, constitute, contain, embody, mention, show, comprise, evidence, discuss, describe, comment on, concerning, regarding, eluding to, pertaining to, probative of, in connection with, dealing with, in respect of, about, involved, identifying or proving.

Dated this 18th day of February, 2022.

s/ Katie M. Brown

Katie M. Brown, Counsel
Duke Energy Carolinas, LLC
40 West Broad Street, Suite 690
Greenville, SC 29601
Telephone (864) 370-5045
Katie.brown2@duke-energy.com

Attorney for Duke Energy Progress, LLC

INTERROGATORIES

1-1 According to our records, your son, Matthew Finney, is the holder of the account in question in this Docket. Do you agree?

RESPONSE:

1-2 According to our records, on October 26, 2021, a representative of DEP advised you that your son's account would be reenrolled in a payment plan but would need to be transitioned to the Budget Billing Plan because the Equal Payment Plan was discontinued when the Customer Connect platform was deployed for DEP. Do you recall that conversation?

RESPONSE:

1-3 According to our records, you were informed on October 26, 2021 that your son's account would be transitioned to the Budget Billing Plan on November 5, 2021. Do you recall that conversation?

RESPONSE:

1-4 According to our records, your son's account was transitioned to the Annual Budget Billing Plan on November 23, 2021. Do you agree?

RESPONSE:

1-5 Please list any South Carolina act, rule, regulation, statute, order, tariff, or contract which you allege DEP has violated.

RESPONSE:

1-6 Please describe with specificity what further actions you wish for DEP to take with respect to your Budget Billing Plan in order to resolve your Complaints.

RESPONSE:

1-7 If you continue to allege that your son's account has not been placed "back on averaging," please explain your reasoning for such allegations and summarize any evidence you have relating to that allegation. If you no longer believe any action is necessary from DEP with respect to this allegation, so state.

RESPONSE:

- 1-8 Please explain what you meant when you asked the Commission to require DEP to “reinstate[] the other discount.” Describe with specificity which other discount you are referencing and any evidence you have that such discount has been removed from your son’s account. If you no longer believe any action is necessary from DEP with respect to this allegation, so state.

RESPONSE:

REQUESTS FOR PRODUCTION

- 1-1 Please provide any and all documentation you have supporting your allegation that you were informed the account could be placed retroactively on monthly averaged billing.

RESPONSE:

- 1-2 Please produce any and all documents identified, referred to, or relied upon in preparing your response to the Requests.

RESPONSE:

CERTIFICATION

I, Valli Finney, state that the contents of these Responses to Interrogatories and Requests for Production are true, accurate and correct to the best of my knowledge, information and belief. I certify that the foregoing statement made by me is true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

(SIGNATURE)

(DATE)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-363-E

In the Matter of:)
)
Valli Finney,)
Complainant,)
)
v.)
)
Duke Energy Progress, LLC,)
Respondent)

CERTIFICATE OF SERVICE

The undersigned, Lyndsay McNeely, Paralegal for Duke Energy Progress, LLC, does hereby certify that she has served the persons listed below with a copy of Duke Energy Progress, LLC's First Set of Discovery to Complainant in the above-captioned proceedings via electronic mail and U.S. Mail as specified below on February 18, 2022.

Benjamin Mustian
Office of Regulatory Staff
bmustian@ors.sc.gov

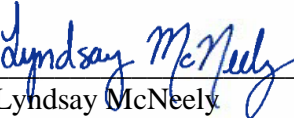
Carri Grube Lybarker
SC Department of Consumer Affairs
clybarker@scconsumer.gov

Roger P. Hall
SC Department of Consumer Affairs
rhall@scconsumer.gov

Katie M. Brown
Duke Energy Progress, LLC
katie.brown2@duke-energy.com

Valli Finney
7 Marshall Street
Sumter, SC 29150
vallimfinney@yahoo.com

Dated this 18th day of February, 2022.


Lyndsay McNeely